

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Lands - Chittoor District – Revision Petitions – Revision Petition filed by Sri Desireddy Sudhakar Reddy, S/o Yella Reddy, Naravandlapalle (V), Kalikiri (M), Chittoor District and (3) others against the orders of Joint Collector, Chittoor and Commissioner Appeals, O/o CCLA., Hyderabad – Heard - Dismissed – Orders – Issued.

=====

REVENUE (ASSN.IV) DEPARTMENT

G.O. Ms No 616

Dated: 2nd June, 2011.

Read the following:-

- 1.Proceedings No.D.Dis E5/10104/2008, dt.13.7.2009 on the file of the Joint Collector, Chittoor District.
- 2.Commissioner of Appeals O/o Chief Commissioner of Land Administration, Hyderabad Proceedings No. BCW 2/351/2009 dated. 16-6-2010 .
- 3.Revision Petition filed by Sri Desireddy Sudhakar Reddy, S/o Yella Reddy, Naravandlapalle (V), Kalikiri (M), Chittoor District, dated.21-6-2010.
- 4.Orders dt.29.6.2010 of APHC in WP No.14552/2010 filed by Sri D. Sudhakar Reddy and (2) others (Revision Petitioners herein).
- 5.Govt.Memo.No.28877/Assn.IV(2)/2010-1, dt.2.11.2010.
- 6.Show Cause Notice of APHC on Contempt Case No.419/2011, dt.11.4.2011 in W.P.No. 14552/2010.
- 7.From Collector, Chittoor Lr.Roc.E4/14680/2010, dt.13.5.2011.

ORDER :

Whereas in the reference 2nd read above, the Commissioner of Appeals has not admitted the appeal filed before him against the orders of the Joint Collector, Chittoor in D.Dis E5/10104/2008, dt.13.7.2009 on the ground that the Joint Collector passed the impugned order under A.P. Assigned Lands (POT) Act,1977 to which the right forum for filing of appeal is Government only.

2) Whereas, Sri Desireddy Sudhakar Reddy, S/o Yellareddy and (3) others, Chittoor District have filed Revision Petition in the reference third read above before this authority against the orders of the Commissioner, Appeals Proceedings No. BCW 2/351/2009 dated. 16-6-2010 and prayed to set aside the orders of the Joint Collector and Additional District Magistrate, Chittoor, in D.Dis.E5/10104/2008 dated. 13-7-2009 on the file of the Revenue Divisional Officer, Madanapalle, Chittoor District order in D.Dis.B/1017/2007, dt.28.1.2008, on the file of the Tahsildar, Valmikipuram, Chittoor District and to set aside the same and to pass such other order or orders as the Hon'ble authority as deemed fit. They among the other things filed the following grounds in support of their claim:

1. The impugned order of the Jt.Collector is contrary to law, weight of evidence and probabilities of the case.
2. The learned Jt. Collector failed to note that the land in Sy.No.1089/2 of an extent of Ac.6.74 cents situated at Thatiguntapalle (V) Valmikipuram (M) is a private land and not the DKT land.
3. The learned Jt. Collector failed to note that the revenue records issued by the same department cannot be disputed by the same authority.
4. The Learned Jt. Collector failed to note that the rejection orders of the Tahsildar is without jurisdiction and not maintainable as per the revenue laws.
5. The learned Jt. Collector failed to note that more than 100 years the petitioners and their an-sisters are in possession and enjoyment of the property and also the Revenue Department recorded as private lands.

6. The orders issued without verifying revenue records of 1B register, enjoyment register, 10(1) Account and No.3 Cultivation account and other revenue records showing the land in question is a private patta land and not Government land.
7. The learned Joint Collector failed to note that the rejection orders of the R.D.O., Tahsildar without considering and without giving reasons to the objections/explanation filed by the petitioners is illegal and contrary to law and without jurisdiction.
8. The learned Joint Collector failed to note that the subject matter of the land not included in the list of Government lands of DKT lands submitted the the R.D.O., Tahsildar vide Roc No.B/08/07, dt.13.3.2007 to the Sub-Registrar of Kalikiri itself shows the subject matter of the land is a private land.
9. The learned Joint Collector failed to note that the Gram Panchayat of Thatiguntapalle Village after careful verification of the records passed a resolution and granted building permission vide B.a.No.1/2007-08, dt.22.12.2007.
10. The learned Joint Collector failed to note that the notice issued by the R.D.O., Madanapalle, Tahsildar under Section 3(20 of A.P.Assigned land (POT) Act,1977 is without jurisdiction and not applicable to the subject matter of the lands.
11. The learned Joint Collector failed to note that the enquiries and reports submitted by the R.D.O. beyond back of the petitioners and not furnished to the petitioners.
12. The learned Jt.Collector framed two issues and decided the matter against the petitioners without framing the issues like (a) whether the subject matter of the lands or private lands or not? (b) whether the Revenue records shows that the lands are private lands belongs to the petitioners' family or not? (c) whether the pattadar pass books and title deeds issued to the petitioners as private pattadars or not ?
13. The learned Joint Collector failed to note that the several registrations relating to the subject matter of the lands since 1929 supported by the revenue records showing that the lands are private lands belongs to the an-sisters of the petitioners and marketable title.

3. Whereas in the reference 4th read above, the Hon'ble APHC in its orders dt.29.6.2010 in W.P.No.14552/2010 filed by Sri Desireddy Sudhakar Reddy and (2) others, dismissed off the W.P. with a direction to this authority to consider the stay application filed by the petitioners along with the R.P. after giving due opportunity of hearing the parties and pass appropriate orders thereon in accordance with law.

4. Whereas in the reference 5th read above, the District Collector, Chittoor has been requested to examine the Revision Petition filed by the petitioner under the A.P. Assigned Lands (POT) Act,1977 and furnish a detailed report together with para-wise remarks and connected records on the Revision Petition.

5) And whereas in the reference 7th read above, the District Collector, Chittoor reported that, on verification of the records the brief facts of the case are as follows:-

1. The land in S.No. 1089/2 measuring an extent of 6.74 acres of Thatiguntapalle Village of Valmikipuram Mandal is classified as Government Dry as per Village accounts.
2. As per the entries made in the " A " register, the land was assigned vide A.M. No. 120/4/1326. But the said A.M. file is not traced in the records to know the name of the assignee.
3. The land is situated near Tekalakona H/O Thatigunta palle Village located at Madanapalle-Tirupati Road, in Valmikipuram Mandal.

4. As per 10 (1) account the names of Mulinti Narasa Reddy, Desireddy Yella Reddy and Desireddy Raja reddy were entered as pattadars.
5. Subsequently several sale transactions took place and at present the land is under the possession of Sri Desireddi Sudhakar Reddy, Sri Desireddy Raja Reddy, Sri Desi Reddy Narasimha reddy of Naravandlapalle Village of Kalikiri Mandal and Sri P. Ramachandra Reddy S/O Narayana Reddy of CTM Village, Madanapalle Mandal as detailed below.

Sl. No.	Document No.	Date	Name of the Executant	Name of the Claimant	Amount Rs.	S.No. and extent
	969/1929	24.5.1929	1. Venkat Reddy 2. Thimma Reddy Sons of Sidda Reddy	Partition deed – un registered	----	1089/2
	677/1941	15.3.1941	Mure Venkata Reddy S/O Sidda Reddy	M. Chinna nagi Reddy S/O Gurava Reddy	100	1089/2 6.74 acres
	2779/63	28.10.1963	M. Narasimha Reddy S/O Chinna Nagi Reddy	M. Yella Reddy S/O Venkata Reddy	400	1089/2 extent 4.00 acres out of 6.74 acres.
	13/1994	21.5.1975	1..M. Srinivasulu Reddy 2. M. Narasimha Reddy 3. Rama Chandra Reddy Sons of Narasa Reddy	Desireddy Raja Reddy S/O Gangi Reddy	2,000	1089/2 2.74 acres out of 6.74 acres
	23	1973	M. Yella Reddy S/O Venkata Reddy	Desireddy Yella Reddy S/O Venkata Reddy	5,000	1089/2 4.00 acres out of 6.74 acres
	451/07	21.5.2007	Desi reddy Sudhakar Reddy S/O Yella Reddy	Pothu Rama Chandra Reddy S/O Narayana Reddy	35,000	1089/2 1.00 acres out of 6.74 acres.
	508/07	2.6.07	Desi reddy Raja reddy S/O Desi reddy Gangi Reddy	P. Rama Chandra Reddy S/O Narayana Reddy	96,000	1089/2 2.74 acres out of 6.74 acres
	134/07	27.08.07	Desi Reddy Narasimha Reddy S/O Yalla Reddy	P. Rama Chandra Reddy S/O Narayana Reddy	1,37,000	1089/2 3.00 acres out of 6.74 acres from GPA

6. The said P. Ramachandra Reddy raised temporary structure like huts and running a Dhaba Hotel in the site. There is no cultivation in the said land. It is being utilized only for non-agricultural purpose.
7. Sri P. Ramachandra Reddy S/O Narayana Reddy of CTM village is a landlord who is doing Real Estate business is financially sound and not depending on agriculture.

The Tahsildar, Valmikipuram vide progs . No. D.Dis (B) / 1017/2007 dt. 28.1.2008 issued orders under Act 9/77 as amended by Act 8/2007 treating

the land as DKT lands. The Tahsildar in his order further held that the sale transaction has taken place purely for doing real Estate Business and the purchaser Sri Ramachandra reddy is not eligible for assignment as per Act 9/77 as amended by Act 8/2007. The Tahsildar, resumed the above land to the Government.

8. Aggrieved by the orders of the Tahsildar, Valmikipuram Sri Desireddy Sudhakar reddy and 3 others have filed an appeal petition before the RDO, Madanapalle and the RDO, Madanapalle vide progs. D.Dis (B1) / 810/2008 dt. 27.6.2008 has dismissed the appeal petition. The Operation portion of the order is as follows:

“ The appellants though took the appellants took the plea that the land is a settlement patta land and they have not proved the same through necessary documents like , settlement patta or order of any settlement officer passed in respect of the land in question. Except the documents of partition deed and sale deeds which are created by and between the interested parties and no independent documents have been put forth before the Court by the appellants to believe their plea that the land is a settlement patta. At the same time the “ A “ register shows that there is no pattadar for the land in question as per Column No. 16 and accordingly it is unimpeachable evidence that the land is not covered by settlement patta and since the plea of the appellant is not proved, it is not valid.

The other plea of the appellants is that even if the land is a DKT land assigned prior to the G.O.Ms.No. 1142, dt. 18.6.1954, it is transferable and accordingly the transfers effected through registered documents are valid and binding. This assertion made by the appellants is to be proved by them alone, since the burden of proof lies on them only under Section 101 of the Indian Evidence Act, 1872 and the appellants have not discharged their burden by placing necessary documents like the DKT patta showing the transferable conditions etc.,

At the same time it is evident that the land in question is Government land and the Government is the paramount owner of the land and the very purpose of the assignment of Government land under DKT rules is for agricultural purpose and when such land is being used or tried to put to use for non-agricultural purposes, it is purely violation of the conditions prescribed under DKT rules and soon after the fact of putting such lands to non-agricultural purposes, the Tahsildar, Valmikipuram has correctly initiated action under the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 read with Act 8/2007 and passed orders accordingly resuming the land to Government, since the purchasers are not intending to use the land for agriculture and at the same time using the same for commercial purposes like selling the lands for house sites to third parties and construction of a Dhaba hotel”.

9. A revision was filed by them before the Joint Collector, Chittoor. The Joint Collector, vide Progs. D.Dis (E5) 10104/2008 dt. 13.7.2009 dismissed the revision petition and confirmed the orders of the Tahsildar, Valmikipuram and the Revenue Divisional Officer, Madanapalle . The Tahsildar, Valmikipuram was directed to take possession of the land along with structures in question forthwith under cover of Panchanama, if not already done and protect the lands.
10. Aggrieved by the orders of the Joint Collector, Chittoor, Sri Desireddy Sudhakar Reddy and 3 others have filed revision petition before the CCLA, A.P., Hyderabad. The CCLA, A.P., Hyderabad in progs. BCW2/351/2009, dt. 16.6.2010 has rejected the revision petition with a direction to file revision petition before the Government.

11. In pursuance of the orders of the CCLA, A.P., Hyderabad, Sri Desireddy Sudhakar Reddy and 3 others have filed revision petition before the Principal Secretary to Government, Revenue (Assn-IV) Department, A.P., Hyderabad.

6) Whereas in the reference 6th read above, the APHC has issued a show cause notice in Contempt Case No.419/2011, dt.11.4.2011 in W.P. No.14552/2010 filed by Sri Pothu Ramachandra Reddy, S/o Narayana Reddy, wherein the APHC has directed the Prl. Secy. (Rev) (by name) to show cause either appearing in person or through Advocate duly instructed on 6.6.2011 to which date the case stands posted for hearing of the same, against the said case, failing wherein the said will be heard and determined ex-parte.

7) And whereas the Revision Authority heard the case on 27-5-2011. The Advocate for the Revision Petitioners has attended the hearing and argued the case and reiterated the grounds filed in the Revision Petition and has not filed any further written arguments. The Tahsildar, Vayalpadu Mandal also attended along with connected records.

8) And whereas the Revision Authority, after hearing the arguments of the Advocate of the Revision Petitioners and also after perusing the original records made available by the Collector, Chittoor and also the report of Tahsildar, Vayalpadu, have observed as follows :-

- a) For the contention of the Revision Petitioners that the Joint Collector, Chittoor as well as R.D.O., Madanapalle have failed to verify revenue records of 1B register, enjoyment register, 10(1) Account and No.3 Cultivation account and other revenue records showing the land in question is a private patta land and not Government land, it is reported as per the certified copies of adangals produced by Tahsildar, there were no crop booked for the Fasli from 1326 as per entries available in "A" Register and the lands are assigned government land.
- b) After close verification of all connected records and Adangals and Personal inspection, the then Tahsildar, Vayalpadu has resumed the disputed land U/S 2(b)(ii) of POT Act, 8/2007, for provision of house sites to poor beneficiaries under Indiramma Programme, as the assignees failed to bring the land under cultivation within the stipulated time. Instead, they were indulging in doing real estate business by making house plots and selling the same at higher rates, which is a gross violation of the Act.
- c) Hence the averments made by the Revision Petitioners are false and baseless.

9) In view of the above, I do not see any valid reasons to interfere with the Proceedings No. D.Dis E5/10104/2008, dt.13.7.2009 of the Joint Collector, Chittoor District against which the R.P. is filed and accordingly hereby dismiss the Revision Petition filed by Sri Desireddy Sudhakar Reddy, S/o Yella Reddy, Naravandlapalle (V), Kalikiri (M), Chittoor District and (3) others.

10). The Commissioner (Appeals) O/o the Spl.C.S. & Chief Commissioner of Land Administration, Hyderabad and the District Collector, Chittoor District shall take necessary action accordingly.

11) The following records received through the reference 6th cited are returned herewith to the District Collector, Chittoor and he is requested to acknowledge the same:

- i) Collector, Chittoor File D. Dis E5/10104/08 dated. 13-7-2009 CF 1-384 & NF 1-8.
- ii) RDO, Madanapalle File D. Dis B1/810/2008, dated. 27-6-2008 CF 1-356 & NF 1-4.
- iii) Tahsildar Valmikipuram file D. Dis 1017/2007, dt.28.1.2008 containing pages 1 to 346.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**ANIL CHANDRA PUNETHA
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri Desireddy Sudhakar Reddy, S/o Sri Yella Reddy,
Sri D.Raja Reddy, S/o Sri Gangi Reddy,
Sri Desireddy Narasimha Reddy, S/o Sri Yella Reddy
Naravandlapalle (V), Kalikiri (M), Chittoor District.
Sri Pothu Ramachandra Reddy, S/o Sri Narayana Reddy, Main Road,
Chinna Thippa Samudram, Madanapalle (M), Chittoor Dist. (Petitioners)
(Through Tahsildar, Vayalpadu, Chittoor Dist., and he is requested
to serve copy of the order to the R.Ps. and furnish the served
copies to the Govt., immediately) .
The Commissioner (Appeals), O/o Spl. Chief Secretary &
Chief Commissioner of Land Administration, Hyderabad.
The District Collector, Chittoor.
The G.P. for Revenue (Assgn), APHC, Hyderabad
for apprising the matter to the Hon'ble APHC.
Copy to: M/s. Bussa Rajendra, H.No.8-3-231/W/23 F2, (Advocate),
Prasantha Nivas, Sri Krishna Nagar, Yousufguda, Hyderabad-45.
(Counsel for the Petitioners).
SF/SC.

// FORWARDED::BY ORDER //

SECTION OFFICER